



August 24, 2006

Brad Owens  
Jermain, Dunnagan & Owens  
3000 A Street, Suite 300  
Anchorage, AK 99503

Via Facsimile

Re: N.S. v. A.S.D. – 05-cv-00177

Dear Brad:

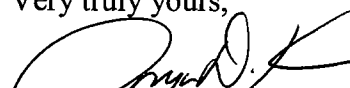
Enclosed please find out attorney's fee statement in this matter. As you know, the Simmons substantially prevailed in the attorney's fees matter. The Simmons are, therefore, a prevailing party and are entitled to attorneys' fees consistent with Rule 54 of the Federal Rules of Civil Procedure. As Judge Singleton noted in his order of December 19, 2005, plaintiffs can collect fees for having to litigate fees due for administrative work. See *Barlow-Gresham Union High School Dist. No. 2 v. Mitchell*, 940 F.2d 1280 (9th Cir. 1991). Thus, we are requesting that ASD pay DLC attorneys' fees incurred in the litigating the original fees matter. The total amount to date is \$10,832.50. This amount reflects both reasonable rates and a reasonable amount of time spent on the matter. Please note that we have not charged ASD for any costs, such as paralegal time of Patti Freeman, courier costs, copying or postage. Nor have we charged ASD for some modest attorney time spent on this matter by Tom Dosik and David Fleurant.

Although, the ASD made an offer of judgment on November 18, 2005 of \$7,800, the court awarded DLC fees in excess of same. Further, the ASD by its motion to compel caused unnecessary time and expense.

Please let us hear from you or your client, ASD, by the close of business on August 28, 2006 that the ASD will pay the above attorneys' fees. As usual, it is our preference to avoid a "third litigation" on attorneys' fees as we would much rather spend our time representing other individuals with disabilities who desperately need our assistance.

Thank you for your attention to this matter.

Very truly yours,



Sonja D. Kerr

Cc: Parents

MEMBER OF THE  
NATIONAL  
ASSOCIATION OF  
PROTECTION &  
ADVOCACY  
SYSTEMS

Disability Law Center of Alaska  
 3330 Arctic Blvd., STE 103  
 Anchorage, AK 99503

Invoice submitted to:  
 Jill and Rick Simmons  
 7721 Evander Drive  
 Anchorage AK 99518-3104

August 24, 2006

Invoice #10012

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
3/22/2005 Research regarding attorneys' fees	2.68 225.00/hr	602.50
Letter to opposing counsel with fee demand.	0.33 225.00/hr	75.00
3/23/2005 Phone call to client, left message to call.	0.03 225.00/hr	7.50
3/31/2005 Letter to Brad Owens regarding fees, legal research regarding Brad's letter of the 31st.	1.03 225.00/hr	232.50
7/27/2005 Preparation of pleadings, attorneys fees, final version	2.38 225.00/hr	535.25
Draft, filing of fees complaint	1.31 225.00/hr	294.13
9/5/2005 Letter to Brad regarding Rule 26 and LR 16.3	0.50 225.00/hr	112.50
9/9/2005 Review draft of R. 26 report for Court, emailing and phone messages with Brad.	0.50 225.00/hr	112.50
10/5/2005 Review of Court's pretrial order regarding discovery, dates, etc. and related.	0.77 225.00/hr	173.88
10/18/2005 Preparation of Rule 26 disclosures and sent off with cover letter to Brad.	0.50 225.00/hr	112.50

Jill and Rick Simmons

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	<u>Hrs/Rate</u>	<u>Amount</u>
10/24/2005 Research - in response to discovery requests..... issue of representation agreement...and discussed briefly with Tom D.	0.90 225.00/hr	202.50
11/2/2005 Draft response to Defendant's discovery	2.00 225.00/hr	450.00
11/15/2005 Letter to Brad Owens (dated 11/16/05) regarding discovery issues and supplementation of discovery regarding rate as set in Noon.	1.87 225.00/hr	419.81
11/18/2005 Letter in response to Brad's letter of November 18, 2005 regarding discovery and related.	0.92 225.00/hr	206.25
11/19/2005 Draft response to Brad's offer of judgment and discovery issues.	2.00 225.00/hr	450.00
11/27/2005 Legal Research on time to oppose motion to compel.	0.25 100.00/hr	25.00
11/30/2005 Meeting with Dave/Tom to discuss defendant's motions and requests for discovery	0.74 225.00/hr	167.25
Telephone call with Paul Liles regarding affidavit of support for fees petition	0.33 225.00/hr	75.00
Telephone call Jill regarding fees petition and any privileged materials and requesting that she doublecheck for same as far as emails, etc.	0.17 225.00/hr	37.50
12/1/2005 Draft letter in response to Brad's objection to our deposition of Carol and Jerry.	1.00 225.00/hr	225.25
Further legal Research on issue of depositions in attorney fees cases	1.08 225.00/hr	242.81
Draft final version of letter to Brad regarding depositions of Fleurant, Jill and myself.	0.72 225.00/hr	161.25
Research motion to compel on attorneys fees - issue of claim of privilege	0.00 225.00/hr	0.94
Draft affidavit format for local counsel to verify reasonableness of local rate and provided to Tom to pass on.	0.08 225.00/hr	17.00
Review of affidavit of support from Paul Liles	0.81 225.00/hr	181.94
Research cases cited by Defendants in their motion to compel and also review of Alaska cases on same point and draft of supplementation with privilege log.	0.50 225.00/hr	111.63
Email to Pete Wright regarding affidavit of support status.	0.17 225.00/hr	37.50

Jill and Rick Simmons

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	<u>Hrs/Rate</u>	<u>Amount</u>
12/1/2005 Email to Dorene regarding affidavit of support status.	0.08 225.00/hr	18.75
Legal Research regarding ability to take deposition of party as part of discovery in attorney fees claim.	1.02 100.00/hr	101.67
12/5/2005 Draft final version of supplemental disclosure with attorney privilege log and related.	0.50 225.00/hr	112.50
Draft letter to Brad concerning Dave's deposition	0.17 225.00/hr	38.25
Legal Research and drafting response to motion to compel	2.25 225.00/hr	506.25
Preparation of pleadings - review documents and prepare privilege logs for Plaintiffs' supplementation to defendant's first request for discovery.	0.75 100.00/hr	75.00
12/6/2005 Complete pleadings - review documents and prepare privilege logs for Plaintiffs' supplementation to defendant's first request for discovery.	2.60 100.00/hr	260.00
Additional research on response to motion to compel	1.50 225.00/hr	337.50
12/7/2005 Review, research and finalize response to motion to compel.	4.00 225.00/hr	900.00
12/11/2005 Legal Research in preparation for deposition of client and SK on 12/12/05, review of Harris case and briefs in case to 9th circuit	3.38 225.00/hr	761.25
12/12/2005 Email to Pete Wright with additional information and reminding of date regarding fees affidavit.	0.08 225.00/hr	18.75
Letter to Brad/Ray after reviewing their reply on discovery motion to compel	0.33 225.00/hr	75.00
Further review of Defendant's reply on motion to compel and work on draft of letter to counsel regarding misleading the court	0.17 225.00/hr	37.50
12/13/2005 Completed letter to counsel regarding reply on defendant's motion to compel	1.34 225.00/hr	300.75
12/15/2005 Letter to Brad with affidavits from Paul Liles, Dorene Philpot and Don McClintock	0.50 225.00/hr	112.50
Drafted combined offer of settlement for N.S. and 2 others.	0.51 225.00/hr	113.75
12/19/2005 Draft Witness List	1.53 225.00/hr	345.31

Jill and Rick Simmons

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	<u>Hrs/Rate</u>	<u>Amount</u>
1/18/2006 Letter to Brad regarding potential settlement after speaking w/Dave.	0.65 225.00/hr	145.38
1/25/2006 Telephone call to Jill left message to call.	0.02 225.00/hr	3.75
2/14/2006 Draft, proposed stipulation and settlement.	0.42 225.00/hr	95.44
Draft motion for summary judgment on fees	3.67 225.00/hr	826.56
3/21/2006 Legal Research, review of D's opposition in response to petition for attorneys' fees	0.84 225.00/hr	189.94
5/23/2006 Draft Status Report federal court	0.33 225.00/hr	75.00
5/24/2006 Draft notice of supplemental authority	0.17 225.00/hr	37.50
8/24/2006 Legal Research regarding fees for fees.	0.33 225.00/hr	74.31
For professional services rendered	<u>50.71</u>	<u>\$10,832.50</u>
Balance due		<u><u>\$10,832.50</u></u>

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\*\*\* TX REPORT \*\*\*  
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TRANSMISSION OK

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PSWD/SUBADDRESS  
DESTINATION ID  
ST. TIME 08/24 16:38  
USAGE T 00'48  
PGS. 6  
RESULT OK



## Facsimile Cover Sheet

**To:** Brad Owens  
**Company:** Jermain, Dunnagan & Owens  
**Phone:**  
**Fax:** 563-7322

**From:** Sonja Kerr  
**Company:** Disability Law Center  
**Phone:** (907) 565-1002  
**Fax:** (907) 565-1000

**Date:** 8/24/06  
**Pages including this cover page:** 6

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**ANCHORAGE**  
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